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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-seventh session
31 July - 25 August 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

United Kingdom of Great Britain and North Ireland

1. The Committee considered the fifteenth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/338/Add.12 - Part I) and its Overseas Territories (CERD/C/338/Add.12 - Part II), which was due on 6 April 1998, at its 1420th and 1421st meetings (CERD/C/SR.1420 and 1421), held on 14 August 2000. At its 1430th meeting (CERD/C/SR.1430), held on 21 August 2000, it adopted the following concluding observations.

## A. Introduction

2. The Committee welcomes the detailed and comprehensive reports submitted by the State party, dratted in accordance with its guidelines for the preparation of reports, and the additional oral information provided by the delegation in response to the wide range of questions asked by Committee members.

3. The Committee acknowledges that the State party has addressed some of the concerns and recommendations of the Committee's previous concluding observations. It further welcomes the fact that NGOs were consulted in the preparation of the report.

## B. Positive aspects

4. The Committee welcomes the recent legislative measures taken, including: the adoption of the 1998 Crime and Disorder Act, introducing higher maximum penalties for racially motivated crimes or offences involving racial hostility; the 1998 Northern Ireland Act, establishing a new independent Human Rights Commission for Northern Ireland; and the 1998 Human Rights Act, giving further effect to the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms and due to be implemented as of October 2000.

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5. The Committee welcomes the Action Plan developed by the Home Secretary as a follow-up to the findings of the independent judicial inquiry into the murder of Stephen Lawrence and notes with interest the number of innovative recommendations contained in the Inquiry Report and the Action Plan, including that a record be made by police officers of all "stops and searches" under any legislative provision and that the record contain the self-defined ethnic identity of the person stopped.

6. The Committee also welcomes the establishment by the Home Secretary of the Race Relations Forum; the setting up of a ministerial Social Exclusion Unit to rehabilitate the inner city areas where a high percentage of members of national and ethnic minorities live; and the launching of the New Deal scheme, which includes a pro-active strategy to introduce young members of ethnic and national minorities on the labour market.

7. The Committee welcomes that British courts have established that the Roma minority is considered a racial group covered by the 1976 Race Relations Act; the identification of Irish Travellers as a racial group for the purposes of the 1997 Race Relations (Northern Ireland) Order; and the initiatives taken to promote the socio-economic situation of Roma Travellers, such as the establishment of Traveller Education Services at the local level

8. The Committee welcomes the use of ethnic monitoring to ascertain the numbers of persons of particular ethnic and national origins in various kinds of employment and the setting of targets to increase the employment of persons of minority origins in fields where they are under-represented, as well as the use of ethnic monitoring in the criminal justice system, including of the prison population, in order to identify points at which discrimination occurs and to develop means of rectifying it.

9. The Committee welcomes the Home Secretary's employment targets for the ethnic minorities to be employed in different grades in the Home Office, the police, prison service, fire service and the probation service by 2002, 2004 and 2009, and for the armed service to reach 5 per cent by 2001/2002.

## C. Concerns and recommendations

10. The Committee notes the position maintained by the State party with regard to the non-inclusion of the full substance of the Convention within the domestic legal order, and reiterates its concern that full effect has therefore not been given to the provisions of the Convention and that individuals cannot be protected from any discriminatory practices unless they have been explicitly prohibited by Parliament. The Committee recommends that the State party consider giving full effect to the provisions of the Convention in its domestic legal order.

11. The Committee also reiterates its concern regarding the restrictive interpretation by the State party of the provisions of article 4 of the Convention and maintains that such an interpretation is in conflict with the State party's obligations under article 4 (b) of the Convention. The Committee recalls its general recommendation XV, according to which all provisions of article 4 are of a mandatory character and that prohibition of dissemination of racist ideas is compatible with the right to freedom of expression. The Committee adds further that the provisions of article 4 are of a preventive nature and that States parties on whose territories no organizations promoting and inciting racial discrimination hypothetically exist are nevertheless bound by those provisions.

12. While acknowledging the numerous separate initiatives taken by the State party to combat racial discrimination, the Committee notes the absence of comprehensive legislation to this end. The Committee recommends that the State party also develop an interdepartmental strategy in this regard.

13. The Committee is deeply concerned that racist attacks and harassment are continuing and ethnic minorities are feeling increasingly vulnerable. The Committee is further concerned about the findings of "institutional racism", within the police force and other public institutions, which has resulted in serious shortcomings with regard to investigations into racist incidents. Noting that a significant number of recommendations in the Home Secretary's Action Plan for improving the handling of racist crimes are already being implemented, the Committee invites the State party to provide in its next report further information on the impact of the measures introduced and on steps taken to implement outstanding recommendations. In this context, the Committee also expresses concern about the reported negative response from certain parts of the police force to recent criticism brought forward by the Lawrence Inquiry Report and recommends that the State party take steps to address the backlash among police officers.

14. The Committee recalls that it has previously expressed concern about incidents of death in police custody disproportionally involving members of ethnic or national minority groups and notes that the problem continues. There have been a number of cases of deaths in police custody and in prisons of members of ethnic minority communities in which no officers of the police or the prison service have been prosecuted nor disciplinary action taken against them by the Independent Police Complaints Authority or the Crown Prosecution Service. It recommends that the State party provide detailed information on measures taken to prevent such incidents and ensure fully independent investigations into complaints against the police, in order to inspire confidence in the criminal justice system among the ethnic minority communities. The Committee looks forward to the State party's findings as to the feasibility of an independent complaints system.

15. The Committee notes with concern that, as acknowledged by the State party, there is increasing racial tension between asylum-seekers and the host communities, which has led to an increase in racial harassment in those areas and also threatens the well-being of established ethnic minority communities. The Committee also recommends that the State party take the lead by sending out positive messages about asylum-seekers and protecting them from racial harassment.

16. The Committee expresses concern that the dispersal system may hamper the access of asylum-seekers to expert legal and other necessary services, i.e. health and education. It recommends that the State party implement a strategy ensuring that asylum-seekers have access to essential services and that their basic rights are protected.

17. The Committee notes the State party's current intensified efforts to clear the backlog of asylum applications. The Committee recommends that the State party ensure that effective safeguards are in place to respect the rights of all asylum-seekers.

18. The Committee notes with concern that there is a lack of information about settled Roma, who constitute 70 per cent of the total Roma population. It also expresses concern regarding admission and access to schools by Roma Travellers.

19. The Committee notes with concern the continued high level of unemployment among ethnic minority groups. The Committee expresses concern that there is racist harassment and bullying in schools and that ethnic minorities continue to be disproportionately excluded from schools. It recommends that the State party intensify its efforts to ensure full enjoyment by all of the rights provided in article 5 of the Convention, without discrimination, giving particular attention to the rights to employment, education, housing and health.

20. The Committee notes with concern that positive action is only practised "by training bodies, by employers and by trade unions and employers' organizations". The Committee recommends that the State party consider introducing affirmative measures in accordance with article 2, paragraph 2, of the Convention, when circumstances so warrant, for certain racial groups or individuals belonging to ethnic minorities who are experiencing disadvantage with respect to educational achievement and other elements of their socio-economic profiles.

21. The Committee encourages the State party to introduce specific legislation against racial discrimination by private persons or organizations currently taking place in several of the Overseas Territories, such as Anguilla, the British Virgin Islands, Gibraltar, Montserrat, and the Turks and Caicos Islands.

22. The Committee remains concerned that specific legislation against racial discrimination has not yet been introduced in all Overseas Territories, including the Cayman Islands and Montserrat, and recommends that the State party continue its efforts to encourage such territories to proceed to the adoption of legislation prohibiting and penalizing racial discrimination, in accordance with the provisions of the Convention.

23. The Committee looks forward to receiving in the next report of the State party disaggregated data giving details of the ethnic composition of the population, the socio-economic situation and the gender composition of each group, both regarding the United Kingdom of Great Britain and Northern Ireland and its Overseas Territories, including the Cayman Islands, Montserrat, Pitcairn, and the Turks and Caicos Islands.

24. The State party is invited to provide in its next report further information on the impact on racial equality of: (a) the work of the Social Exclusion Unit; (b) the New Deal scheme; and (c) the implementation of the 1998 Human Rights Act.

25. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members request that the possibility of making such a declaration be considered.

26. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

27. The Committee recommends that the State party's sixteenth periodic report be an updating report and that it address the points raised in the present concluding observations.

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